

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MONIQUE DOUGLAS, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GEORGE DOUGLAS,

Respondent-Appellant.

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UNPUBLISHED

August 16, 2005

No. 260899

Wayne Circuit Court

Family Division

LC No. 96-345014

Before: Zahra, P.J., and Cavanagh and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from the order of the Wayne County Circuit Court terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(b)(i) (parent's act caused physical or sexual abuse to child), (g) (failure to provide proper care), (j) (child will be harmed if returned to parent), and (n)(i) (parent convicted of criminal sexual conduct).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent claims the trial court clearly erred in finding that clear and convincing evidence supported termination under the statute. The evidence in support of termination consists almost solely of testimony that was wholly lacking in credibility. In addition, respondent argues, his plea of no contest to the criminal charges is not indicative of his guilt.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This Court reviews the trial court's findings of fact for clear error. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with a definite and firm conviction that a mistake has

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<sup>1</sup> The trial court's order identifies subsection (h)(i) rather than (n)(i) as a ground for termination. This appears to be an error, however, as there is no subsection (h)(i) in the statute and in the trial court identifies subsection (n)(i) in its bench opinion.

been made. *Id.* Regard is given to the special ability of the trial court to judge the credibility of the witnesses who appeared before it. *Id.*

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights had been established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Monique and her siblings were removed from respondent's home after one sibling reported that respondent regularly sexually assaulted and beat the children. Respondent also took photographs of one of Monique's sisters while nude. Respondent was later convicted of second-degree criminal sexual conduct in connection with the allegations. In addition, respondent forced the children to live in a basement infested with mice, insects, and leaking water while he lived in the upper parts of the house, sometimes locking the children in the basement for hours at a time.

Furthermore, the evidence plainly did not show that termination of respondent's parental rights was contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Brian K. Zahra  
/s/ Mark J. Cavanagh  
/s/ Donald S. Owens